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Date: 27th April 2014

**RE: WARWICK DISTRICT COUNCIL'S CONSULTATION MARCH 2014
- SITES FOR GYPSIES AND TRAVELLERS PREFERRED OPTONS FOR SITES**

**RESPONSE TO PROPOSED SITE GT19 (LAND ADJACENT SHELL PETROL
FILLING STATION, BIRMINGHAM ROAD, BUDBROOKE, WARWICK)**

Various arguments have been proposed by Hampton Magna Residents' Association to assist me in formulating my response. Having considered these arguments and the Consultation Documents and the criteria for responses, I wish the following to be considered as my own personal submission on the subject.

Criterion: Impact on the green belt

Site GT19 is in the Green Belt. Of the five preferred option sites currently shortlisted it is the only one in the Green Belt. The Government has consistently stated that Green Belt Land should only be used in very exceptional circumstances.

On 1 July 2013, in his written statement to Parliament, Brandon Lewis MP, Local Government Minister stated:

"Our policy document planning policy for traveller sites was issued in March 2012. It makes clear that both temporary and permanent traveller sites are inappropriate development in the green belt and that planning decisions should protect green belt land from such inappropriate development

... it has become apparent that, in some cases, the green belt is not always being given sufficient protection that was the explicit policy intent of ministers.

The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on the facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the green belt."

This was reiterated by Brandon Lewis in his 17 January 2014 statement:

"The Secretary of State remains concerned about the extent to which planning appeal decisions are meeting the government's clear policy intentions, particularly

as to whether sufficient weight is being given to the importance of green belt protection. Therefore, he intends to continue to consider for recovery appeals involving traveller sites in the green belt."

Planning Policy for Traveller Sites (PPTS) states:

"Policy E: Traveller Sites in Green Belt

14. Inappropriate development is harmful to the Green Belt and should not be approved, except in very exceptional circumstances. Traveller sites (temporary or permanent) in the green belt are inappropriate development"

WDC has not shown very exceptional circumstances exist for including GT 19 in the list of preferred sites. This contravenes government policy.

The Consultation Document merely states that previous development has been permitted on the proposed site but it is equally the case that planning permission has also been refused due to its impact on the Green Belt.

In addition, the Green Belt argument was used against Kite's Nest site being a gypsy and traveller site. It is less than a mile away and the sites are in several aspects similar, therefore this argument applies equally if not more so to Site GT 19. To oppose the Kites Nest site on the grounds of impact on Green Belt and propose GT19 site when on Green Belt land would also show a lack of consistency in WDC's appraising of sites with similar issues.

The Inspector's report from Kites Nest refusal stated:

"For development to be allowed in the Green Belt, very special circumstances need to be identified. What constitutes very special circumstances are not identified by local planning authorities. The term is consequently a moving target as appear to be the weights and measures used to arrive at a weighted decision. The appellants (at Kites Nest) provided a list of 15 issues that could be considered as very special circumstances as to why the development should be allowed. These did not include such common issues as health, education or children. The issues are complicated and fraught."

Impact on the Green Belt should alone be a sufficient ground for refusal.

Criterion: Availability of the site (including impact on the existing uses on the site)

The owner of the land at site GT19, Robert Butler, does not want to sell it for a Traveller and Gypsy site. Therefore a Compulsory Purchase Order (CPO) would be needed and Warwick District Council has said that a CPO could be used. This is in complete contravention of ministerial statements.

The use of a Compulsory Purchase could set up conditions for a legal challenge.

If the GT19 site were to be approved it would put the current owner's business at considerable risk and so there would also be the question of compensation for the owners business that suffered as a consequence.

Expenditure on this and a CPO would not be an appropriate use of limited financial resources of WDC.

Criterion: Proximity to other residential properties

The Kites Nest inspector found and the Secretary of State agreed that the Kites Nest site was situated within the local community of about 10 households, and that community would be dominated by a 13 or 8 pitch scheme.

The same argument applies for site GT19 which is set within a group of houses 4 houses to the south and a Shell petrol station to the north followed by a further 10 houses. The provision of five pitches on this site would increase the housing density by 25 per cent and thus would change the local dynamics.

The use of the term "community" is deliberate; it is not the same as settlement or that term would have been used. There is a close-knit and neighbourly sense of community amongst the occupiers of the 10 or so dwellings in the immediate vicinity of the proposed GT19 site.

The Kites Nest inspector accepted that the scattered houses do form an identifiable community. Birmingham Road houses similarly form a community and therefore it could be argued that approval of site GT19 would be going against the inspector's comments, which have helped WDC in the past.

PPTS Policy B, paragraph 11(a) states that policies should "*promote peaceful and integrated co-existence between the site and the local community*". PPTS - Policy C states that authorities should "*ensure that the scale of such sites does not dominate the nearest settled community*".

For the above reasons, selection of Site GT19 would appear to contravene these policies.

Criterion: Safe Access from the Site for vehicles and pedestrians.

Approval of the GT19 site would locate the pitches between the canal and a fast and busy road (Birmingham Road A4177) at this section of the proposed site the road narrows and constructed with tight bends. Traffic on this road is already dangerous and if proposed housing developments occur it would be set to increase. This road has had 2 fatal accidents in the last five years. There was also another serious accident in March 2014.

Movement of caravans and large vehicles in and out of the site on such a fast and busy road would not only be potentially dangerous to the proposed occupiers of the GT19 site it could increase the likelihood of more accidents to other traffic. By increasing the possibility of an accident in this location could be catastrophic by involving the petrol station with flammable fluids. In fact an application by the current owner for the importation, storage and cutting of timber was refused on the grounds of Green Belt citing the fact that the site is on a busy and fast main road (Birmingham Road A4177). To refuse the landowner's application on such grounds and then ignore them when assessing the GT19 proposal is contradictory.

Criterion: Impact on visual amenity including the visibility of the site and surrounding area.

The previous inspector involved with Kites Nest found that the development was very prominent through "gappy hedges" and from public footpaths, and that the existing caravans were an "extremely jarring element". The secretary of State agreed with this assessment. Site GT19 would be similarly visible through gappy hedges.

The road is higher than the proposed site so that it would be overlooked. In the current consultation document reference is made to a habitat buffer being required to the canal side of the development. It could be argued that similar screening would be required on the road side to give the residents privacy from passing traffic and to screen off the caravans from the neighbouring houses. Screening issues for Site GT19 are even more extensive than Kites Nest.

Site GT 19 would also be visible from the canal which is a tourist attraction with its many locks and is likely to have an adverse impact on important features of the natural and historic environment. The present canal dates back to 1799 and the flight of 21 locks are well known among waterways aficionados and are a greatly valued heritage asset. There is also a great deal of narrow boat traffic, especially in the summer months, to see and use the 21 locks.

Criterion: Distance to nearby Schools ... etc.

Education would have to be provided for gypsy children and it has been suggested that children could attend Budbrooke School. Budbrooke School is already struggling with numbers due to rising population. Ferncombe School in Hatton is also full.

Criterion: Impact of land contamination, noise and other disturbance

The five pitches present potential noise and disturbance for families living in close proximity. Possible land contamination if dumping of rubbish takes place on the site (i.e. the entrance to Aylesford school only last week).

Compliance with PPTS - health and wellbeing

It is noted that no criterion is listed to address this policy and it should be.

PPTS Policy B - Paragraph 11(e) states that local planning authorities should, ensure that their policies:

“ provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development .”

The GT19 site is adjacent to a nearby a canal. There could be detrimental effects to the health and well being of young children living near the canal.

Also, to put children on a site near a potentially dangerous road and dangerous service station selling flammable liquids does not appear to comply with this Policy.

Criterion: impact on heritage assets and setting of heritage assets

The flight of 21 locks was opened in 1799 and known as the “stairway to heaven”. The tourist heritage side of Budbrooke is currently underdeveloped. Ramblers, joggers, dog walkers, cyclists, artists, photographers, bird watchers and other groups use the towpath. Then there is the river traffic. Narrow boat owners travel along the canal at weekends and for their holidays. Boats are also rented for holidays.

To locate the Gypsy and Traveller Site adjacent to this area would not enhance it but have an adverse affect and the history and heritage of the area.

We understand that the current owner of proposed GT19 site in conjunction has drawn up plans with British Waterways for a marina with a restaurant and a conference centre. This would include a heritage area with pictures and artefacts of traditional life so that local people and visitors could see and appreciate the lives of former generations.

The viability of this proposal should at least be considered in order to examine whether it could the increase the tourist industry in the area and provide employment opportunities for local people.

It would seem that encouraging tourism, preservation of heritage, and possible employment opportunities should take precedence over inappropriate use of expenditure on CPOs and potential financial compensation.

I wish this document to be regarded as my personal representations against the GT19 site.

